

WISCONSIN LEGISLATIVE COUNCIL STAFF

RULES CLEARINGHOUSE

Ronald Sklansky
Director
(608) 266-1946

Richard Sweet
Assistant Director
(608) 266-2982



David J. Stute, Director
Legislative Council Staff
(608) 266-1304

One E. Main St., Ste. 401
P.O. Box 2536
Madison, WI 53701-2536
FAX: (608) 266-3830

CLEARINGHOUSE RULE 95-137

Comments

[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated October 1994.]

2. Form, Style and Placement in Administrative Code

a. In the summary of the proposed rule set forth in the analysis, the section symbols used in references to statutory and Administrative Code provisions should be replaced with the notation “s.” or “ss.”, as appropriate. [See s. 1.07, Manual.]

b. Throughout the rule-making order, the phrase “as created by 1993 Wis. Act 282,” in reference to s. 13.096, Stats., is unnecessary because all Acts of the 1993-94 Legislature are included in the current edition of the Wisconsin statutes.

c. For purposes of clarity, the following phrase should be added to the end of s. Trans 278.03 (1): “contained in the bill for which the report is prepared.”

d. In s. Trans 278.03 (2), the phrase “at a minimum” is unnecessary and should be deleted.

e. Section Trans 278.03 (4) provides that if the department has not been able to gather sufficient information to adequately assess the impact of a proposed exception to weight limits, the department may recommend that no action be taken on a bill until the bill’s sponsor can provide additional sources of information to the department to enable the department to complete the required analysis. If this provision in any way implies that the department will be making recommendations on bills containing weight limit exceptions, the department should explain its statutory authority for doing so. Section 13.096, Stats., does not expressly direct the department to make any recommendations. [In comparison, see ss. 13.50 (6) (a) and 13.52 (5)]

(intro.), Stats.] Also, if this provision implies that the department may forgo submitting a report under s. 13.096, Stats., because of insufficient information to prepare an analysis, the department should explain its authority for refusing to complete a report and, thus, delay the Legislature's consideration of the bill. In this regard, it appears more appropriate to follow s. Trans 278.04 (6) and prepare a report required under s. 13.096, Stats., "based on the best available information."

f. Section Trans 278.04 (4) should be restructured to read:

Trans 278.04 (4) Individuals, organizations and governments contacted under sub. (3) shall be asked to provide either of the following:

(a) Any information...used.

(b) A statement that the contacted individuals, organizations or governments do not have the requested information.

g. Section Trans 278.04 (5) provides that responses to department requests for information must be submitted within two weeks of the request date. The department probably has no authority to impose this requirement and no means of enforcing this requirement. It might be preferable to state that the department, when requesting this information, will also request that responses be submitted within two weeks of a request date.